CANADIAN ENVIRONMENTAL ASSESSMENT AGENCY

2009-2010

DEPARTMENTAL PERFORMANCE REPORT

The Honourable Jim Prentice
Minister of the Environment and
Minister responsible for the
Canadian Environmental Assessment Agency

TABLE OF CONTENTS

Minister's Message i

Section 1: Agency Overview 1

1.1 Raison d'être 2

1.2 Responsibilities 2

1.3 Strategic Outcome and Program Activity Architecture 3

1.4 Summary of Performance 4

1.5 Contribution of Priorities to Strategic Outcome 6

1.6 Risk Analysis 7

1.7 Expenditure Profile 10

1.8 Voted and Statutory Items 12

Section 2: Analysis of Program Activities by Strategic Outcome 13

2.1 Strategic Outcome 14

2.2 Program Activity by Strategic Outcome 14

2.3 Internal Services 31

2.4 Issues and Challenges 33

2.5 Lessons Learned 35

Section 3: Supplementary Information 37

3.1 Financial Highlights 38

3.2 List of Supplementary Information Tables 38

3.3 Other Items of Interest 39

MINISTER'S MESSAGE

As Minister responsible for the Canadian Environmental Assessment Agency, I am pleased to present the 2009–2010 Departmental Performance Report for the Agency. This is a report of performance against priorities set out at the beginning of the fiscal year.

The Government of Canada recognizes that promoting economic opportunities and protecting the environment are complementary objectives. Environmental assessment is an important tool to ensure that proposed developments, as well as policy, plan and program proposals, proceed in a sustainable manner.

Over the past year, there has been significant progress toward making Canada's environmental assessment process as timely, predictable and effective as possible. A legislative review of the provisions and operation of the *Canadian Environmental Assessment Act* by a parliamentary committee taking place in 2010 will provide an opportunity to consider further improvements to federal environmental assessment.

I invite parliamentarians and Canadians to read the 2009–2010 Departmental Performance Report to gain a better appreciation of the Canadian Environmental Assessment Agency's mandate and performance.

The Honourable Jim Prentice, P.C., Q.C., M.P.

Minister of the Environment and Minister responsible for the Canadian Environmental Assessment Agency

SECTION 1: AGENCY OVERVIEW

In this section:

- Raison d'être
- Responsibilities
- Strategic Outcome and Program Activity Architecture
- Summary of Performance
- Contribution of Priorities to Strategic Outcome
- Risk Analysis
- Expenditure Profile
- Voted and Statutory Items

1.1 Raison d'être

The Canadian Environmental Assessment Agency provides leadership and serves as the centre of expertise for federal environmental assessment. The Agency's mandate is to provide Canadians with high-quality environmental assessments that contribute to informed decision making in support of sustainable development.

1.2 Responsibilities

Led by the President, who reports directly to the Minister of the Environment, the Canadian Environmental Assessment Agency (the Agency) delivers its mandate under the authority of the *Canadian Environmental Assessment Act* (the Act) and its accompanying regulations, and within the framework of the following instruments:

- the *Canada-wide Accord on Environmental Harmonization*, including the *Sub-agreement on Environmental Assessment*, and bilateral agreements with provincial governments that establish arrangements for cooperative environmental assessments; and
- international agreements containing environmental assessment provisions to which Canada is a party, principally the United Nations Economic Commission for Europe's *Convention on Environmental Impact Assessment in a Transboundary Context*.

The Agency works with federal authorities on the application of the *Cabinet Directive on Implementing the Canadian Environmental Assessment Act* (the Directive) and its Memorandum of Understanding. The Agency provides advice and guidance on the Directive's expectations, and leads interdepartmental efforts to advance the Directive's goal of delivering high-quality environmental assessments in a predictable, certain and timely manner.

The Agency is responsible for managing the federal environmental assessment process for most major resource projects, and for integrating the Government of Canada's Aboriginal engagement and consultation activities into the environmental assessment process for these projects, as mandated under the *Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects* and its Memorandum of Understanding.

To support efficient and effective consideration of the environmental effects of development proposals, the Agency coordinates federal environmental assessment requirements with those of the provinces and territories. Further, the Agency administers a participant funding program to facilitate public participation and Aboriginal consultation in designated environmental assessments.

Consistent with the *Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals* (the Cabinet Directive), the Agency also supports the Minister of the Environment in promoting the application of environmental assessment processes in strategic-level decision making by providing training and guidance to federal authorities.

As well, the President of the Agency has been designated by Order in Council as the federal administrator of the environmental and social protection regimes set out in sections 22 and 23 of the 1975 *James Bay and Northern Quebec Agreement* (JBNQA).

As of July 12, 2010, following the passage of the *Jobs and Economic Growth Act*, the Agency has assumed the functions of responsible authorities for comprehensive studies from the point when it receives information about a project for which a comprehensive study might be required until a comprehensive study report is submitted to the Minister of the Environment. This does not apply, however, for projects that are regulated by the Canadian Nuclear Safety Commission or the National Energy Board. Since the Agency had not yet taken on these new responsibilities during the reporting period, the Agency will be reporting on these new responsibilities in the 2010–2011 *Departmental Performance Report*.

1.3 Strategic Outcome and Program Activity Architecture

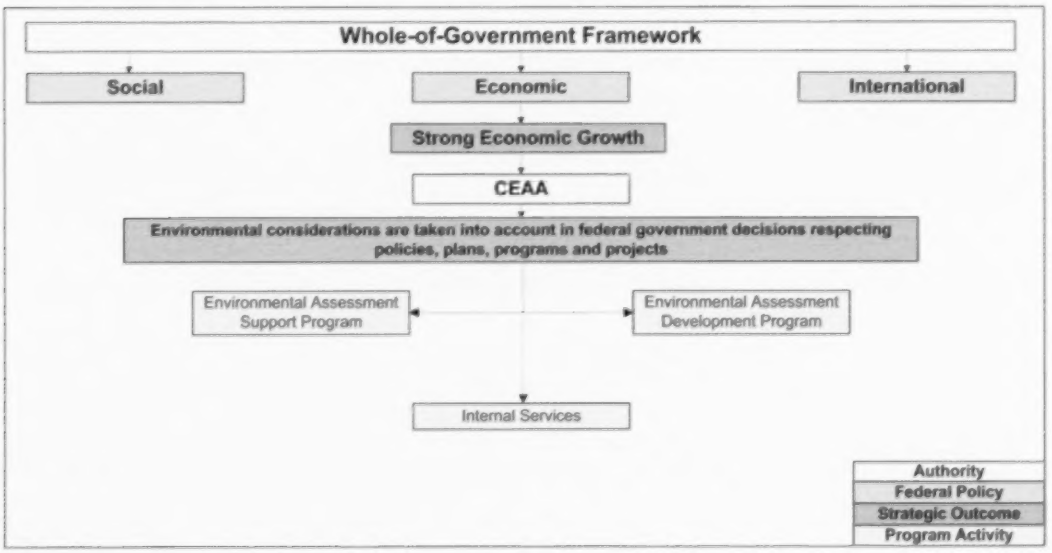
Strategic Outcome

In order to effectively pursue its mandate, the Agency aims to achieve the following strategic outcome:

Environmental considerations are taken into account in federal government decisions respecting policies, plans, programs and projects.

Program Activity Architecture

The chart below illustrates the Agency's framework of program activities that contribute to its strategic outcome.



1.4 Summary of Performance

2009-2010 Financial Resources ($ thousands)

Planned Spending	Total Authorities	Actual Spending
32,049	35,781	30,360

2009-2010 Human Resources (Full Time Equivalents (FTEs))

Planned	Actual	Difference
244	233	(11)

Strategic Outcome

Environmental considerations are taken into account in federal government decisions respecting policies, plans, programs and projects.

Performance Indicators	Targets	2009-2010 Performance
Percentage of policy, plan and program proposals for consideration by Cabinet that include strategic environmental considerations	90% of Memoranda to Cabinet include strategic environmental considerations by 2010-2011	▪ Of the proposals reviewed by the Agency that were subject to the *Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals*, 68% reported the conduct of at least a preliminary scan of strategic environmental considerations, including 11% that reported the conduct of a detailed strategic environmental assessment (SEA). ▪ Under the Cabinet Directive, the Agency promotes the application of SEA to policy, plan and program proposals of the federal government by reviewing proposals and communicating with sponsoring departments in relation to fulfilling the requirements of the Directive. Departments are responsible for ensuring environmental considerations are properly integrated in their proposals and reporting requirements of the Cabinet Directive are met. ▪ To enhance federal performance in this area, the Agency developed and delivered a toolkit and workshop on Strategic Environmental Assessment. The Agency also engaged departments and agencies in a dialogue on how to improve the implementation of the Cabinet Directive. This work is being expanded upon and will be reported on in 2010-2011.

Strategic Outcome Environmental considerations are taken into account in federal government decisions respecting policies, plans, programs and projects.		
Performance Indicators	**Targets**	**2009-2010 Performance**
Percentage of environmental assessments (EAs) for which the Agency is Federal Environmental Assessment Coordinator (FEAC) or EA manager, and for which an EA work plan is developed and implemented by the Agency	For 100% of project-specific EAs for which the Agency is FEAC or EA manager, an EA work plan is developed and implemented	• A work plan was developed and implemented by the Agency for environmental assessments for which the Agency was FEAC or EA manager 100% of the time.

($ thousands)

Program Activity	2008-2009 Actual Spending	2009-2010[1]				Alignment to Government of Canada Outcome
		Main Estimates	Planned Spending	Total Authorities	Actual Spending	
Environmental Assessment Development Program	6,605	3,887	3,887	4,801	4,238	Strong Economic Growth
Environmental Assessment Support Program	21,643	20,653	20,653	20,998	16,182	
Internal Services	—	7,509	7,509	9,982	9,940	
Total	28,248	32,049	32,049	35,781	30,360	

Agency funding has increased significantly in recent years as a result of new time-limited initiatives. Among these was the initiative to improve Canada's regulatory framework for major projects, for which the Agency received funding. At the end of the 2009-2010 fiscal year, the Agency had normal operating lapses relating to ongoing activities as well as new initiatives. This was due in part to lower than anticipated litigation costs during the fiscal year. In addition, nearly $2 million of lapsed resources were planned (i.e. reprofiled) to address greater participant funding requirements in upcoming years resulting from a number of large EA projects that are getting underway.

[1] Commencing in the 2009-2010 Estimates cycle, the resources for Program Activity: Internal Services are displayed separately from other program activities; they are no longer distributed among the remaining program activities, as was the case in previous Main Estimates. This has affected the comparability of spending and FTE information by Program Activity between fiscal years.

1.5 Contribution of Priorities to Strategic Outcome

Operational Priorities	Type	Status
Build a framework for more integrated environmental assessment	Ongoing	Mostly met • This priority is most closely linked to the EA Development Program activity. • A framework that facilitates more integrated EA will lead to more effective consideration of environmental effects in federal decision making. • To this end, important progress was made through activities in support of the Government's Economic Action Plan, and the major resource projects initiative. In response to the Supreme Court of Canada's ruling in the Red Chris Mine case (*MiningWatch Canada v. Canada (Fisheries and Oceans)*), the Agency developed operational policy statements, and updated training and guidance materials to assist federal organizations in implementing the ruling. The Agency continued to work with provinces and territories through the Canadian Council of Ministers of the Environment to explore options for enhanced environmental assessment cooperation. As well, the Agency continued to support initiatives to advance the practice of strategic environmental assessment. • The Agency developed important amendments to the Act to improve the efficiency and timeliness of the EA process. These amendments were introduced in March 2010 as part of the *Jobs and Economic Growth Act* (JEGA). (The amendments came into effect after the reporting period when the JEGA received Royal Assent on July 12, 2010.)
Play an active leadership role in federal environmental assessment	Ongoing	Mostly met • This priority is most closely linked to the EA Support Program activity. • The Agency provides leadership in EAs by fulfilling these roles: coordinating EAs involving other jurisdictions; managing the EA process and coordinating Aboriginal consultation for most major resource projects; supporting the review panel process; and providing funding for public participation in EAs. • In 2009-2010, the Agency coordinated 247 federal environmental assessments across Canada. It managed 23 EAs of major resource projects, contributed to the coordination of 25 *James Bay and Northern Quebec Agreement* projects, and provided administrative support to ten review panels. • The Agency's Participant Funding Program provided $0.3 million to 30 recipients to facilitate public participation; and the Aboriginal Funding Envelope provided $1.2 million to 24 recipients to enable Aboriginal consultation.

Operational Priorities	Type	Status
Build capacity and organization to deliver on existing and new responsibilities	Ongoing	Mostly met • This priority is most closely linked to the EA Support Program activity. • The Agency reorganized roles and responsibilities, and recruited and trained new staff during the reporting period to address new EA responsibilities (major project management, Aboriginal consultation and comprehensive studies) stated in the 2007 *Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects*. Ongoing training of staff continued to enhance the Agency's ability to deliver on existing and new requirements.

1.6 Risk Analysis

Agency Operating Environment and Challenges

Protecting the environment, while continuing to build a strong economy and improving quality of life for Canadians, is an important challenge. Environmental assessment (EA) responds to this challenge by ensuring environmental effects are considered *before* decisions are taken to allow policies, plans, programs or projects to proceed. The Government recognizes that prosperity cannot be sustained without a healthy environment. The federal environmental assessment process, at both the strategic and project level, is a key tool for ensuring that while Canada strives to maintain a healthy economy, it also protects the Canadian environment.

Under the *Canadian Environmental Assessment Act* (the Act), responsible authorities (federal departments, agencies, and parent Crown corporations) must undertake an environmental assessment before they carry out a project; provide financial assistance to enable a project to be carried out; sell, lease or otherwise transfer control or administration of land to enable a project to be undertaken; or issue certain authorizations to enable a project to go forward. During the reporting period, over 6,000 environmental assessments were initiated under the Act. Since 1995, the year the Act came into effect, approximately 90,000 environmental assessments have been initiated.

Projects subject to environmental assessment under the Act, and policies, plans and programs subject to strategic environmental assessment (SEA) under the *Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals*, often raise important issues associated with socio-economic development, environmental protection, Aboriginal concerns, and federal-provincial/territorial cooperation. The Agency continued to lead the government's efforts to explore means of improving the contribution of strategic environmental assessment and strengthening its relationship to project-level assessments and regulatory decision making.

Federal environmental assessment continued to adapt to emerging trends, such as changing economic and environmental conditions, new technologies, developments in jurisprudence, and evolving public expectations.

The following provides an overview of the Agency's operating environment, and associated considerations and challenges during the reporting period.

Shared Responsibility for Environmental Management

Under the Canadian Constitution, environmental management is an area of shared responsibility between the federal and provincial governments. Many projects are subject to federal and provincial/territorial environmental assessment requirements. In addition to this, an increasing number of Aboriginal land claims and self-government agreements contain EA processes.

Ultimately, the desired outcome of cooperating with provincial authorities is a single, consistently applied environmental assessment process, enabling each order of government to make its decisions in relation to projects in a certain, predictable and timely fashion, while safeguarding the environment. This is frequently referred to as a one project-one assessment approach, an approach endorsed by the Canadian Council of Ministers of the Environment (CCME).

The CCME *Sub-agreement on Environmental Assessment*, signed in 1998, establishes a framework to provide the public, proponents and governments with greater consistency, predictability, and timely and efficient use of resources where two or more jurisdictions are required by law to assess the same project. In October 2009, all federal, provincial and territorial governments reaffirmed, through the CCME, their commitment to reducing federal-provincial duplication in environmental assessment, while ensuring high environmental standards are met. The CCME endorsed a report that recommends jurisdictions consider a range of environmental assessment tools and models in their legislation, including the following cooperation mechanisms: coordination, delegation, joint review panels, and substitution.

Federal environmental assessment legislation is based on the principle of self-assessment, which means that several federal authorities may have environmental assessment responsibilities in relation to the same project. As a result, coordinating the federal requirements is a challenge which calls for strong leadership and management.

Competing Interests

The projects subject to environmental assessment are often complex, giving rise to competing interests. As such, the Agency strives to consider the issues and address the underlying interests, while maintaining productive relationships and delivering high-quality assessments that meet the expectations of Canadians in a timely and predictable manner.

To address this challenge, the Agency continued to coordinate and facilitate meaningful opportunities for all potentially affected parties to participate in the environmental assessment process. This included the provision of funding to Aboriginal groups and the public to support their participation in the review of large-scale projects.

Integrating Consultation with Aboriginal Groups into Environmental Assessment Processes

The Government of Canada has established the *Aboriginal Consultation and Accommodation: Interim Guidelines for Federal Officials to Fulfill the Legal Duty to Consult*. Linking the federal Crown's Aboriginal consultation activities with the federal environmental assessment process enhances early engagement and relationship-building with Aboriginal groups, which assist the federal government in fulfilling its consultation obligations. The Agency continued to carry out its responsibility for integrating Aboriginal-Crown consultation into the environmental

assessments of the major resource projects that it manages, including review panel processes and comprehensive studies.

The Agency developed a step-by-step Aboriginal consultation process based on the *Aboriginal Consultation and Accommodation: Interim Guidelines for Federal Officials to Fulfill the Legal Duty to Consult*. This process provides a consistent, understandable approach to consultation that will support more effective communication with Aboriginal groups and improved collaboration with provincial governments.

Improving Federal Policy Development

Strategic environmental assessment (SEA) is a developing area with considerable potential for improving decisions to contribute to sustainable development. The *Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals* sets out the Government's expectations of federal departments and agencies for SEA. The Agency continued to advocate for the application of SEA, delivered training, developed guidance, and provided advice and support to departments and agencies as needed. The results of an Agency-led evaluation of the Cabinet Directive will be used to further strengthen the application of SEA in Canada.

Litigation

Litigation in relation to the application of the *Canadian Environmental Assessment Act* raises issues and challenges for the efficient, consistent and timely delivery of federal environmental assessment. Decisions rendered by the Courts can have significant implications for federal environmental assessment.

Litigation during the reporting period included two cases before the Supreme Court of Canada related to the federal environmental assessment of mining projects: the Red Chris Mine Project in British Columbia and the Lac Doré Vanadium Mine Project in Quebec.

The Supreme Court ruled on the Red Chris Mine case (*MiningWatch Canada v. Canada*) in January 2010. The decision provided clarity regarding the type of assessment that must be conducted under the Act and how to establish the scope of the project to be assessed. The Court also supported federal-provincial cooperation to reduce duplication in environmental assessment processes.

The Vanadium Mine case (*Grand Chief Dr. Ted Moses et al. v. Canada*) was still before the Supreme Court of Canada during the reporting period. However, the Court subsequently released its decision in May 2010. The decision confirmed that the *Canadian Environmental Assessment Act* does apply in the territory governed by the *James Bay and Northern Quebec Agreement*, and must be applied in a manner that fully respects the Crown's duty to consult the Cree on matters affecting their treaty rights.

International Community

International partnerships give Canada the opportunity to share environmental assessment expertise, and at the same time, access the research being undertaken in other countries. Keeping in step with the environmental initiatives of international organizations and other countries also contributes to Canada's competitiveness. In this regard, the Agency continued to develop relationships and maintain productive dialogue with other jurisdictions, such as Australia and the United States. In addition, as a party to the United Nations Economic Commission for Europe's *Convention on Environmental Impact Assessment in a Transboundary Context*, Canada is required to meet its obligations under the Convention. During the reporting period, no projects in Canada were subject to this Convention.

The Agency continued to support the work of the International Association for Impact Assessment (IAIA). For example, at the IAIA 2010 conference, the Agency, along with officials from Australia and the United States hosted an international panel entitled "Experiences and Lessons Learned in a Multi-jurisdictional Context – Canada, the United States and Australia". This panel offered a comparative review of three distinct environmental impact assessment regimes, in order to share lessons learned and best practices in applying environmental assessment to complex multi-jurisdictional projects.

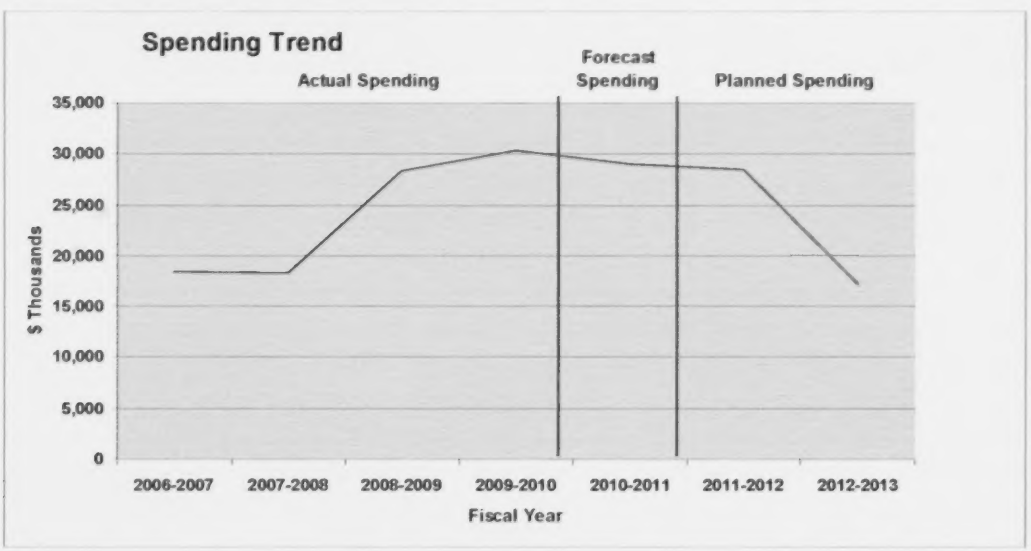
The Agency also supported the work of the Secrétariat international francophone pour l'évaluation environnementale (SIFÉE). The Agency actively participated in the work of the scientific committee, which helped to enable SIFÉE's annual meeting. The Agency also participated in SIFÉE's strategic orientation session in preparation for the upcoming annual meeting.

2010 Legislative Review of the Canadian Environmental Assessment Act

The 2003 *Act to amend the Canadian Environmental Assessment Act* required that a review by a parliamentary committee of the provisions and operation of the *Canadian Environmental Assessment Act* (the Act) begin by June 2010. The committee is required to submit a report on the review to Parliament, including a statement of any recommended changes to the Act, within one year or within such further time as may be authorized by Parliament. The committee's report will be followed by a government response, which could include proposals for new legislation.

During the reporting period, the Agency began undertaking the work necessary to prepare for and participate in the review. Subsequent to the reporting period, in June 2010 the House of Commons referred the conduct of the review to its Standing Committee on Environment and Sustainable Development.

1.7 EXPENDITURE PROFILE



For the 2009-2010 fiscal year, the Agency spent $30.4 million to achieve the expected results of its program activities and to contribute to its strategic outcome.

For the 2006-2007 to 2009-2010 periods, total spending includes all parliamentary appropriation and revenue sources. It also includes carry forward adjustments. For the 2010-2011 to 2012-2013 periods, the total spending corresponds to planned spending and revenues. Supplementary funding and carry forward adjustments are unknown at this point and are, therefore, not reflected.

As a result of the Budget 2007 initiative to improve Canada's regulatory framework for major resource projects, the Agency has increased its spending trend. The Agency was also granted funding for review panel support, as well as to address Aboriginal consultation for environmental assessment programs, which sunset in 2009-2010 and 2010-2011 respectively. Funding for Aboriginal consultation has since been renewed for 2010-2011 and 2011-2012.

Canada's Economic Action Plan

Supporting sustainable development requires protecting the environment, while securing a strong economy and prosperity for Canadians. Environmental assessment under the Act responds to this challenge by ensuring that the potential environmental effects of development proposals are carefully considered in the federal decision-making process. The number of environmental assessments required pursuant to the Act is in large part a function of the strength of the Canadian economy. Both resource sector and infrastructure projects remain important as Canada's economic recovery continues.

During the 2008-2009 fiscal year, the Government of Canada introduced the two-year Economic Action Plan to stimulate the economy through significant funding of public infrastructure projects. The Agency supported this initiative by developing regulatory amendments designed to provide certainty regarding the environmental assessment requirements for these federally-funded public infrastructure projects.

During the 2009-2010 fiscal year, the Agency continued to support Canada's Economic Action Plan through the development of legislative amendments to improve the efficiency, timeliness and certainty of the federal environmental assessment process. The amendments to the Act were introduced in March 2010 as part of the *Jobs and Economic Growth Act*, and came into effect subsequent to the reporting period when the latter received Royal Assent on July 12, 2010.

1.8 VOTED AND STATUTORY ITEMS

($ thousands)

Vote # or Statutory Item (S)	Truncated Vote or Statutory Wording	2007-2008 Actual Spending	2008-2009 Actual Spending	2009-2010 Main Estimates	2009-2010 Actual Spending
15	Program expenditures	16,548	25,392	29,199	26,949
(S)	Contributions to employee benefit plans	1,729	2,855	2,850	3,411
(S)	Refunds of amounts credited to revenues in previous years		1		
Total		18,277	28,248	32,049	30,360

SECTION 2: ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

In this section:

- Strategic Outcome
- Program Activity by Strategic Outcome
- Internal Services
- Issues and Challenges
- Lessons Learned

2.1 Strategic Outcome

Strategic Outcome: Environmental considerations are taken into account in federal government decisions respecting policies, plans, programs and projects.

This ensures that federal government decision making supports Canada's environmental sustainability and economic competitiveness, thereby providing long-term, enduring benefits for Canadians.

2.2 Program Activity by Strategic Outcome

Program Activity: Environmental Assessment Development Program

2009-2010 Financial Resources ($ thousands)			2009-2010 Human Resources (FTEs)		
Planned Spending	**Total Authorities**	**Actual Spending**	**Planned**	**Actual**	**Difference**
3,887	4,801	4,238	45	46	1

Expected Results	Performance Indicators	Targets	Performance Status	Performance Summary
Federal organizations have the instruments they need to meet their environmental assessment responsibilities	Percentage of federal organizations who agree that the instruments provided by the Agency set out and explain the environmental assessment requirements within the federal government	By 2009-2010, 75% of federal organizations agree that the instruments provided by the Agency set out and explain the environmental assessment within the federal government	The Agency cannot report on this indicator for 2009-2010, but will use the 2009-2010 experience to design an appropriate evidence gathering mechanism for the next fiscal year.	In 2009-2010, the Agency received feedback from numerous federal organizations regarding whether they had the instruments and capacity-building support they needed to meet their environmental assessment responsibilities. Feedback from consultation and workshops indicated a continuing need and interest in both live and electronic delivery of up-to-date training, guidance and tools.
Federal departments have access to the training and information they need to implement the *Cabinet Directive on Environmental Assessment of Policy, Plan and Program Proposals*	Percentage of course participants from federal departments indicating their satisfaction with training course content and materials	85% of course participants from federal departments are satisfied with training course content and materials	Met all	During the reporting period, the Agency offered two training courses regarding strategic environmental assessment (SEA). Of the participants who provided feedback, 86% expressed their overall satisfaction with the course.

Expected Results	Performance Indicators	Targets	Performance Status	Performance Summary
Key issues are addressed, contributing to an improved federal environmental assessment framework consistent with the purposes of the *Canadian Environmental Assessment Act*	Percentage of key issues being addressed through the development of new or amended policies, procedures, regulations, or legislative proposals	Over 5 years, 100% of key issues are being addressed resulting in new or amended policies, procedures, regulations, or legislative proposals	Met all for 2009-2010	The key issues identified during the reporting period were: ▪ Aboriginal consultation; ▪ streamlining EA process; ▪ project scoping; ▪ federal-provincial coordination; and ▪ federal coordination (multiple responsible authorities). 100% of these key issues were addressed.

Explanatory note for key issues indicator

Since 2009-2010 will be the first year the Agency will be quantitatively reporting against these program activities, the Agency will be able to report against the identified five-year target time frame in 2013-2014. There may be some variability in the list of key issues addressed from year to year over the course of the five-year period. For 2009-2010, the Agency addressed the following key issues:

1. Aboriginal consultation
    - Creation of work plans and delivery of products on Aboriginal affairs priorities for the Agency, including:
        - Policy framework on Crown Consultation Coordinator function
        - Aboriginal consultation process based largely on the *Aboriginal Consultation and Accommodation: Interim Guidelines for Federal Officials to Fulfill the Legal Duty to Consult* and highlighting their timing relative to an EA process
        - Operational policy instruments on strength of claim assessments, preliminary breadth and depth of consultation, and enhanced Aboriginal Funding Envelope templates
        - Creation of a practitioners' guide for Aboriginal consultation in the context of EA
        - Piloting of Agency training course on Aboriginal consultation in EA leading to ongoing federal delivery starting in the fall of 2010
2. Streamlining the environmental assessment process
    - Amendments to the Act introduced through the *Jobs and Economic Growth Act* that simplify the steps at the beginning of a comprehensive study process.
    - Publication of the *Guide to the Class Screening Process* on the Agency's Web site.
3. Project scoping
    - Response to the recommendations in the Audit of the Application of the *Canadian Environmental Assessment Act*.
    - Operational policy statement in response to the Supreme Court of Canada's ruling in the Red Chris Mine case (*MiningWatch Canada v. Canada*) and amendments to other operational policy instruments.

- Amendments to the Act, introduced through the *Jobs and Economic Growth Act*, which provide the Minister of the Environment with authority to determine the appropriate scope of the project.

4. Federal-provincial coordination
    - Operational Policy Statement on the *Use of Federal-Provincial Cooperation Mechanisms in Environmental Assessments pursuant to the Canadian Environmental Assessment Act*.
    - Completing, with the Quebec Ministère du Développement durable, de l'Environnement et des Parcs, the evaluation of the 2004 *Canada-Quebec Agreement on Environmental Assessment Cooperation*.
    - Delegation of the conduct of two environmental assessments (Northwest Transmission Line Project and the Line Creek Operations Phase II Coal Mine Project) to the British Columbia Environmental Assessment Office in accordance with the Act.
    - Development, as co-chair of a federal-provincial task group, of a report that was endorsed by the Canadian Council of Ministers of the Environment on strengthening federal-provincial cooperation.
    - Amendments to the Act, introduced through the *Jobs and Economic Growth Act*, which allow assessments of large-scale projects to get started sooner, thereby facilitating coordination with provincial assessment processes.
5. Federal coordination
    - Amendments to the Act, introduced through the *Jobs and Economic Growth Act*, that allow for more efficient management of the federal environmental assessment process for large-scale projects by consolidating responsibility with the Agency, the National Energy Board and the Canadian Nuclear Safety Commission.
    - Delivery of training on EA project management for major projects on a pilot basis in preparation for ongoing federal delivery starting in the fall of 2010.

Benefits for Canadians

The Environmental Assessment Development Program activity seeks to maintain and improve federal environmental assessment so that it remains effective, efficient and integrated.

A sound EA process is vital to ensuring that environmental considerations are integrated into federal government decision making, thereby supporting quality of life for Canadians, environmental sustainability, and economic competitiveness.

Performance Analysis

The Environmental Assessment Development Program activity aligns most closely with the Agency's strategic priority to build a framework for more integrated environmental assessment. By establishing and maintaining the policy and legislative foundation for the practice of environmental assessment federally, the program activity also supports the Agency's priority to play an active leadership role in federal environmental assessment.

Throughout the year, the Agency monitored and evaluated emerging issues and challenges, and sought to develop appropriate options for legislative improvements, as well as regulatory and policy responses. In addition, the program activity contributed to strengthening environmental assessment coordination.

Consultation with Partners and Stakeholders

The Agency continued to work with stakeholders, and developed and maintained partnerships to promote sound environmental assessment (EA) practices in Canada and abroad. The Agency worked with the Senior Management Committee on Environmental Assessment (federal departments and agencies), the Environmental Assessment Administrators Committee (provincial and territorial governments), and the Regional Environmental Assessment Committees (federal authorities, regulated authorities and provincial governments).

The Agency provided advice to Indian and Northern Affairs Canada (INAC) to ensure that the environmental assessment regimes developed and implemented pursuant to comprehensive land claims agreements, self-government agreements, and devolution initiatives are consistent with the requirements of the *Canadian Environmental Assessment Act* (the Act) and can be coordinated with existing environmental assessment regimes.

The Agency provided expertise and support for tripartite negotiations (between Canada, Quebec and the Atikamekw nation) focused on drafting a chapter on environmental assessment for an agreement in principle. With respect to the *James Bay and Northern Quebec Agreement* (JBNQA), the Agency continued to support INAC during self-government negotiations, notably for the establishment of Nunavik and the improvement of the EA regime and social provisions within section 22 of the JBNQA. The Agency also provided advice to the INAC federal negotiators relative to the proposed EA provisions of modern treaties being negotiated with British Columbia Aboriginal groups. The Agency is involved in 32 active negotiations in British Columbia.

The Agency also provided training and guidance to partners and stakeholders, notably through delivery of its two mainstay courses, Orientation to the Act and Introduction to Screenings. This training and the guidance available on the Agency's Web site are combined to support federal authorities as well as project proponents in meeting the requirements of the Act and in increasing the quality of assessments. The courses also contribute to building the capacity of stakeholders to participate effectively in EAs and of provincial colleagues to understand federal EA. With these efforts, the Agency promotes compliance with the Act and builds the external capacity to achieve timely and effective EA.

In September 2009, the Agency hosted a bilateral meeting with representatives from the United States Environmental Protection Agency (EPA) and Council on Environmental Quality (CEQ). This meeting presented an opportunity for Canada and the United Stated to hold a senior-level discussion on environmental assessment within the broader context of economic development and key policy directions in both countries. It also allowed participants to share information about their respective approaches to environmental assessment, exchange best practices, and explore areas of mutual interest and continued or future collaboration. The meeting built on earlier exchanges between the Agency and the United States EPA and CEQ. Meeting participants considered EA within a landscape of shifting energy policy and economic challenges. Over the two-day session, participants addressed some of the challenges, opportunities and recent initiatives associated with EA of energy projects.

Ongoing Improvements for Major Resource Projects

The Agency supported the major resource projects initiative by contributing to the ongoing development of policies, procedures, and guidance materials for enhancing coordination and collaboration on high quality, timely and predictable environmental assessments within the federal regulatory review process.

Strengthening Environmental Assessment Coordination and Cooperation

In October 2009, the Canadian Council of Ministers of the Environment (CCME) endorsed a report recommending that jurisdictions consider a range of models in their legislation to reduce federal-provincial duplication in environmental assessment while ensuring high environmental standards are met. Such models include joint processes, delegation and substitution, which ultimately ensure that each order of government can make timely decisions based on one high-quality EA. The report was prepared by the Environmental Assessment Task Group, which included representatives from all provinces and was co-chaired by the Agency.

For some of the models proposed by CCME, such as substitution, legislative change would be required. Some jurisdictions have advocated pursuing models that go beyond those endorsed by CCME. The 2010 parliamentary review of the *Canadian Environmental Assessment Act* represents an opportunity to further examine these options.

During the reporting period, the Agency and the Quebec Ministère du Développement durable, de l'Environnement et des Parcs completed an evaluation of the 2004 *Canada-Quebec Agreement on Environmental Assessment Cooperation*. The evaluation found that the Agreement does not pose major problems which would require its revision. Recommendations were made to the federal and Quebec Ministers of the Environment for the renewal of the Agreement.

Discussions with the Government of Newfoundland and Labrador on the development of a bilateral agreement on environmental cooperation were put into abeyance in light of the 2010 parliamentary review of the *Canadian Environmental Assessment Act* and the consideration of outcomes resulting from the review.

During the reporting period, the Agency completed an evaluation of the 2005 bilateral agreement with Alberta. A finalized draft bilateral agreement was developed for public and Aboriginal consultation. The consultation period will occur in the 2010-2011 reporting period. In addition to this, standard operating procedures for implementation of the bilateral agreement have been developed.

The Agency led federal departments' engagement in Alberta's land use planning process that is being implemented under the *Alberta Land Stewardship Act*. The Agency will evaluate the effectiveness of the federal government's participation to determine if federal objectives have been addressed by the proposed regional plans, and to identify whether potential efficiencies could be created in the federal environmental assessment process.

Aboriginal Consultation

The Government of Canada consults with Aboriginal peoples for reasons of good governance, sound policy development and decision making, as well as for legal reasons. The government is taking a whole-of-government approach to Aboriginal consultation for major resource projects, to ensure that Aboriginal groups are sufficiently consulted and accommodated when it contemplates actions that may adversely affect established or potential Aboriginal and treaty rights. This approach is mandated by the *Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects* and the associated Memorandum of Understanding (2007), and is based on the Government of Canada's *Aboriginal Consultation and Accommodation: Interim Guidelines for Federal Officials to Fulfill the Legal Duty to Consult* (2008).

The Agency has played a key role as the Crown Consultation Coordinator. In this capacity, the Agency has been responsible for coordinating the integration of Aboriginal consultation into the environmental assessments it leads. To effectively perform its role, the Agency must deliver Aboriginal consultation responsibilities in a consistent, efficient and comprehensive way. Under the leadership of the Agency's Aboriginal Affairs Steering Committee (AASC), an implementation strategy supported by policies, procedures, and operational materials is under development. As well in 2009-2010, the AASC established an enhanced internal governance structure for matters relating to Aboriginal consultation in the context of environmental assessment. The Agency's Aboriginal Affairs Working Group provided support to the AASC by undertaking assigned tasks, reviewing materials, and providing expert advice to the AASC on delivering its priorities.

In 2009-2010, the AASC finalized a policy paper delineating the Agency's role and responsibilities as Crown Consultation Coordinator for major resource projects; and to assist in the discharge of this function, the "EA and Aboriginal Consultation Logic Model" was developed, based on the *Aboriginal Consultation and Accommodation: Interim Guidelines for Federal Officials to Fulfill the Legal Duty to Consult*, and was endorsed by the AASC for implementation across the Agency.

During 2009-2010, the Agency continued to develop its Geographical Information System (GIS). GIS has been used effectively to support decision making with respect to the Agency's role in fulfilling Aboriginal consultation duties. The development of maps contributed to an improved strategic approach to consultation efforts and an increased efficiency in the environmental assessment process. A defined organizational strategy to plan for program delivery will be developed in 2010. This strategy will include a clearly defined vision for GIS within the Agency and a short-, medium- and long-term implementation plan.

Research and Analysis

The Agency undertook research and analysis to establish a solid understanding of how federal environmental assessment is currently being implemented, focusing on identifying current impediments to the efficient and effective conduct of those assessments.

During the reporting period, the Agency published a report entitled *Public Participation in Screenings: An Analysis of Efforts made to Obtain Information and Views of the Public during the Conduct of Screenings*. This research concluded that in future reviews of the Act, it may be appropriate to examine more closely the purpose of and mechanisms for public participation in screenings, including the role of public input from other related processes.

Research was completed on the effectiveness of the environmental assessment track process for assessments that commenced as comprehensive studies.

Research is ongoing in relation to the design of follow-up programs, determining the effectiveness of recent administrative measures to improve the initiation of federal environmental assessments, and developing a methodology for evaluating screening reports.

Throughout the 2009-2010 reporting period, the Commissioner of the Environment and Sustainable Development conducted a performance audit of the application of the *Canadian Environmental Assessment Act*. All of the work described above is consistent with the recommendations he made in his fall 2009 report.

The Agency conducted an evaluation of its Promotion, Research and Development (PR&D) Program. The Agency is considering options for implementation of the evaluation recommendations and potential renewal of the program's terms and conditions.

The Agency-led evaluation of the *Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals* (the Cabinet Directive) was completed in 2009. The federal government is using the results of the evaluation to strengthen the application of strategic environmental assessment in Canada. Of the policy documents for Cabinet consideration reviewed by the Agency during the fiscal year, 56% did not require consideration under the Cabinet Directive. Of those that did require consideration under the Cabinet Directive, 68% reported the conduct of at least a preliminary scan, with 11% also reporting the conduct of a detailed SEA.

Legislative, Regulatory and Policy Responses

The March 2010 Speech from the Throne announced the Government's intent to develop clearer regulatory processes for project approvals that offer improved environmental protection and greater certainty to industry. As part of this effort, the Government introduced targeted changes to the *Canadian Environmental Assessment Act* as part of the *Jobs and Economic Growth Act*.

These targeted changes are intended to simplify and streamline the way federal environmental assessments are delivered, enabling assessments to start sooner, and reducing delays. In turn, this will facilitate better coordination with provincial processes.

The amendments, which have since been passed into law, streamline comprehensive study type environmental assessments, in order to avoid unnecessary delays and facilitate coordination with provincial review processes. This is accomplished by eliminating certain process steps, and consolidating responsibility for the conduct of most comprehensive studies with the Agency. However, the Canadian Nuclear Safety Commission (CNSC) and the National Energy Board (NEB) will continue to conduct environmental assessments under the Act for projects that they regulate.

These changes eliminate a disparity that previously existed between the comprehensive process set out in the Act and that set out in the *Canada Port Authority Environmental Assessment Regulations*. As a result, changes to the Port Authority Regulations to align the two processes are no longer required.

The amendments to the Act also give the Minister of the Environment authority to focus an environmental assessment on certain components of a project. In addition, they incorporate in legislation the exclusions made last year via regulation of certain federally-funded infrastructure projects from the requirement to undergo an environmental assessment. The sunset clause in the regulations was not included in the legislation so these exclusions are made permanent. However, the Minister of the Environment has new authority to require an environmental assessment of a project that would normally be excluded under this provision, if the Minister is of the opinion that the project may cause significant adverse environmental effects. Lastly, the amendments repealed the *Infrastructure Projects Environmental Assessment Adaptation Regulations*.

Given the pending parliamentary review of the Act, it was determined that moving forward with the development of new proposed regulations for airport authorities was not an effective and efficient use of public funds. As an alternative, the Agency began discussions with the airport

authorities to introduce a voluntary environmental assessment approach, while awaiting the results of the parliamentary review of the Act.

In response to the Supreme Court of Canada's decision on the Red Chris Mine case (*MiningWatch Canada v. Canada*), the Agency issued an Operational Policy Statement on *Establishing the Project Scope and Assessment Type under the Canadian Environmental Assessment Act* to provide guidance through the process of establishing the scope of the project for the purposes of environmental assessment, and to set out key roles and responsibilities. The Operational Policy Statement sets a foundation for the conduct of both screenings and comprehensive studies, and will be supplemented by additional guidance on an as-needed basis. The Agency also issued an Operational Policy Statement on the *Use of Federal-Provincial Cooperation Mechanisms in Environmental Assessments pursuant to the Canadian Environmental Assessment Act* to provide best practice guidance for establishing the scope of the project in relation to which an environmental assessment is to be conducted.

During the reporting period, the Commissioner of the Environment and Sustainable Development conducted a performance audit of the application of the *Canadian Environmental Assessment Act*. As noted in the above section on research and analysis, the Agency initiated a number of studies in response to the recommendations. The audit findings, while positive in several areas, pointed to the need to improve the Agency's Quality Assurance Program. In order to improve outputs from that program, future studies will focus on more specific, targeted issues and will result in recommendations to departments for improvement.

The audit also identified the need for new approaches to resolve long-standing issues within the process. The audit found that federal coordination issues, including disputes surrounding project scope, cause serious delays in the environmental assessment process, despite attempts to improve predictability, certainty and timeliness. The audit notes the Agency's efforts to resolve these issues, while also recognizing that the Agency does not have the legal authority to impose a solution.

The 2010 parliamentary review of the Act is identified in the audit as providing the opportunity to examine long-standing issues and explore new approaches to resolving them.

Program Activity: Environmental Assessment Support Program

2009-2010 Financial Resources ($ thousands)			2009-2010 Human Resources (FTEs)		
Planned Spending	**Total Authorities**	**Actual Spending**	**Planned**	**Actual**	**Difference**
20,653	20,998	16,182	142	125	(17)

Expected Results	Performance Indicators	Targets	Performance Status	Performance Summary
The Agency contributes to a reduction in time to complete the EA of major resource projects	Percentage of times when the Agency meets the timeline for its activities established in the Major Projects Management Office Project Agreement	The Agency meets 100% of the timelines for its activities established by the Major Projects Management Office Project Agreement	Somewhat met	The Agency met 78% of its timelines when delays beyond the control of the Agency (e.g. court decisions) were excluded. Delays resulting from the Participant Funding Program were within control of the Agency and affected its ability to meet its timelines, but did not affect the critical path of the EAs involved.
A single environmental assessment report produces the necessary information to support federal and provincial EA decisions when both jurisdictions require EAs of a project	Percentage of times when a cooperative environmental assessment report produces the necessary information to support federal and provincial EA decisions	80% of cooperative environmental assessment reports produce the necessary information to support federal and provincial EA decisions	Exceeded	100% of cooperative EA reports for 29 projects that received decisions produced the necessary information to support federal and provincial EA decisions.
Responsible authorities and proponents understand the Agency's role in implementing the major resource projects process	Percentage of responsible authorities and proponents who agree that they understand the Agency's role in relation to the EA of projects subject to the major resource projects process	85% of responsible authorities and proponents agree that they understand the Agency's role in relation to the EA of projects subject to the major resource projects process	Exceeded	Sixteen project agreements, which outline roles and responsibilities of departments and agencies, were signed by responsible authorities in the reporting period and are publicly available. Project proponents access these documents and thus are provided with an understanding of the Agency's role. The Agency also participated on project review teams, which serve as a forum to coordinate the various roles of federal departments.

Expected Results	Performance Indicators	Targets	Performance Status	Performance Summary
Interests of Aboriginal groups, in relation to the EA of projects where the Agency is EA manager, are documented and presented to support decision making	Percentage of times Aboriginal interests are documented and presented to support decision making for projects where the Agency is responsible for managing the EA process	100% of EA decision support documents include documentation of Aboriginal interests	Met	Aboriginal interests are documented and presented to support the decision-making process for all major resource projects where the Agency is the EA manager. One major resource project received a decision and Aboriginal interests informed that decision.
Agency facilitates meaningful public participation in federal EAs by providing funding to support certain activities	Percentage of funding recipients who agree that the funding provided by the Agency improved their ability to meaningfully participate in the EA process	75% of funding recipients agree that the funding provided by the Agency improved their ability to meaningfully participate in the EA process	Exceeded	The Agency entered into 49 contribution agreements to facilitate public participation in EAs. Of the participants, 87.5% of those surveyed (nine individuals completed surveys) indicated that funding enhanced their ability to meaningfully participate in EA.
Agency provides high-quality EA training courses that are effective in providing practical skills and knowledge	Percentage of course participants who agree that the training provided by the Agency was effective in providing practical skills and knowledge	85% of course participants agree that the training provided by the Agency was effective in providing practical skills and knowledge	Mostly met	During the reporting period, the Agency gave 52 courses. Of the participants who provided feedback, 80% expressed their overall satisfaction with the training courses.

Benefits for Canadians

The Agency's Environmental Assessment Support Program activity supports a transparent and rigorous environmental assessment process that informs decisions that benefit Canadians.

Through EAs, environmental impacts of projects are assessed during the early stages of project planning, and designed to prevent or reduce environmental effects. The EA of the Whistler Nordic Centre is an example of how the Agency's EA Support Program provided benefits to Canadians. The Whistler Nordic Centre was one of the venues for the 2010 Winter Olympic and Paralympic Games held near Whistler, British Columbia. Construction of the facility had the potential to negatively affect several species of wildlife, as well as habitat and wetlands. Through the EA process, commitments were obtained from the proponent to ensure that wildlife and ecosystems were protected, which included locating facilities in previously logged areas and avoiding trail placement in critical bird breeding habitat. The project also left a legacy of approximately 50 kilometres of cross-country ski trails for residents and visitors to enjoy into the future.

The delivery of an efficient environmental assessment process that avoids duplication and undue delays ensured that Canadians received valuable services for the tax dollars spent. To this end, the Agency had bilateral agreements in place with most jurisdictions that facilitated coordination and cooperation.

The administration of the Participant Funding Program provided funding to support participation in the EA process. Through this participation, Canadians contributed to strengthening the quality and credibility of environmental assessments by providing information of direct local interest, community knowledge or Aboriginal traditional knowledge, and expert information relevant to the potential environmental effects of the project.

By promoting a process that respects legislative requirements, avoids duplication and delays, and is clear and transparent to all participants, this program activity provided Canadians with a federal environmental assessment process that made a value-added contribution to sustainable development.

Performance Analysis

The Environmental Assessment Support Program activity aligns most closely with the following Agency priority: to play an active leadership role in federal environmental assessment.

Through the Environmental Assessment Support Program, the Agency fulfills its EA operational responsibilities in relation to projects. The specific roles are:

- coordination of federal environmental assessments, as set out in the Act;
- project management for most major resource projects under the *Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects*;
- administrative support to panels, as specified in the Act;
- coordination of Crown consultation, integrating Aboriginal consultation into the EA process for most major resource projects, as specified by the *Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects*;
- administration of participant funding as provided in the Act; and
- provision of training to facilitate the conduct of EA as outlined in the Act.

The projects for which a federal environmental assessment is required and in which the Agency has a role are very often large and complex, such as mines, hydroelectric developments and oil and gas projects. They involve multiple jurisdictions and stakeholders and may be subject to more than one EA process.

In 2009-2010, the Agency coordinated 247 federal environmental assessments across Canada, managed 23 EAs of major resource projects, contributed to the coordination of 25 *James Bay and Northern Quebec Agreement* projects, and provided administrative support to ten review panels. A total of three comprehensive studies and two review panels were completed. These completed environmental assessments allowed responsible authorities to exercise their powers, duties or functions with respect to these projects.

In addition to the continued delivery of its ongoing and new EA responsibilities, the Agency also responded to the Supreme Court of Canada's decision on the Red Chris Mine case (*MiningWatch Canada v. Canada*) by leading an interdepartmental implementation plan to adjust affected projects. The court decision clarifying project scoping resulted in the review

and reclassification of environmental assessments from screenings to comprehensive studies. The Agency further developed internal processes and procedures to better execute its Crown consultation coordination role.

Coordinating Environmental Assessments

The Agency worked with federal and provincial authorities on multi-jurisdictional environmental assessments, providing process coordination and administrative and technical support. The Agency worked with other jurisdictions to develop joint work plans to avoid duplication, and to better coordinate federal and provincial environmental assessment activities.

An example from Ontario shows how federal-provincial collaboration on the EA of a rail link project enabled improvements in environmental quality and economic development. The Metrolinx Pearson-to-Union Station Rail Link will improve economic productivity in the Greater Toronto area by reducing transportation congestion. The EA process reduced the project's potential environmental effects through the proponent's commitment to reduce noise and implement new diesel emissions control technology. A post-EA evaluation noted that the federal government provided important technical information and locomotive expertise, and the province enabled emission technology measures to be included in the provincial conditions of approval.

In Newfoundland and Labrador, the Agency contributed to the streamlining of regulatory processes by leading a workshop in St. John's to plan for a harmonized EA process for the proposed Aurora Resources Michelin Uranium Project in Labrador. The workshop clarified the roles and responsibilities of the Agency, as well as those of responsible authorities and federal authorities. Since the project has the potential to trigger four different EA processes, it is important for all parties to have a clear understanding of the roles and responsibilities before submission of the final project description.

The Agency coordinates and manages the work completed by the *James Bay and Northern Quebec Agreement* (JBNQA) committees and by federal authorities in the context of the environmental assessments undertaken pursuant to the JBNQA. During the reporting period, the Agency contributed to the coordination of 25 projects pursuant to the JBNQA, of which nine were subject to the Act. Most of the 25 projects triggered the Act, but the federal environmental and social assessment process of the JBNQA was substituted for the federal process under the Act.

From a federal perspective, the Agency continued to explore the application of currently available tools, such as delegation processes, to make greater use of provincial reviews. The Agency and federal authorities have delegated the conduct of two environmental assessments (Northwest Transmission Line Project and the Line Creek Operations Phase II Coal Mine Project) to the British Columbia Environmental Assessment Office in accordance with the Act.

As a means of continuous improvement, the Pacific and Yukon Region of the Agency has implemented learning logs to document lessons learned. Learning logs are a tool for the Agency, when performing the EA manager or Federal Environmental Assessment Coordinator role, to record project management successes, challenges and benefits of EAs for Canadians. Of the 68 active projects managed by the Pacific and Yukon Region in 2009-2010, 63 projects (93%) had learning logs. The Agency intends to implement learning logs or other means of continuous improvement to document lessons learned and benefits when it undertakes the EA Manager and/or Federal Environmental Assessment Coordinator roles.

Managing Environmental Assessments

The Agency is the project manager for the EA of major resource projects and is the primary federal point of contact in each region. As part of this role, the Agency establishes, coordinates and chairs federal project teams for the EA and Aboriginal consultation associated with major resource projects. The Agency also ensures that the execution of federal responsibilities, including the preparation of documentation, is coordinated, and leads federal activities in relation to Aboriginal consultation, as well as coordinates public participation and consultation activities, and manages the Canadian Environmental Assessment Registry Internet Site (CEARIS) and project file requirements. In addition, the Agency prepares recommendations to senior management and the Minister.

The Agency has assumed EA project management responsibilities for the environmental assessment of 23 major resource projects and is monitoring the status of 51 projects in the pre-EA phase. These include mines, hydroelectric developments, and oil and gas projects.

The Agency has also assumed the role of Crown Consultation Coordinator, leading the integration of Aboriginal consultation requirements into the 23 environmental assessments that it manages and the 51 projects in the pre-EA phase.

On July 12, 2010 amendments to the *Canadian Environmental Assessment Act* came into effect, which make the Canadian Environmental Assessment Agency responsible for most comprehensive studies. The Agency will perform this role from the time it becomes aware of a project that may require a comprehensive study until the comprehensive study report is submitted to the Minister of the Environment.

Supporting Review Panels

The Agency provided administrative support to ten review panels. Seven of these review panels were conducted jointly with another jurisdiction or regulatory body. For example, the Agency played a key role in the environmental assessment process for four nuclear-related projects conducted jointly with the Canadian Nuclear Safety Commission and two pipeline projects conducted jointly with the National Energy Board.

The Agency established a joint review panel and review process for the Northern Gateway Pipeline Project, a proposal to construct and operate two pipelines 1170 km in length between Alberta and British Columbia. The panel will conduct its review according to the requirements of the Act and the *National Energy Board Act*.

Two panels completed their reviews of EAs and submitted final reports in 2009-2010. The joint panel reviewing the proposed EnCana Shallow Gas Infill Development Project and the Alberta Energy and Utilities Board application to drill three wells in the Canadian Forces Base Suffield National Wildlife Area in Alberta submitted its report, on both the project and the application, on schedule. The joint panel reviewing the Mackenzie Gas Project completed its report on a very large and complex pipeline project involving multiple jurisdictions in northern Canada after a series of delays.

The review panel roster, established in 2008, continued to provide qualified individuals to serve on six review panels. Of the eight roster members actively engaged on review panels, two were appointed during this period. Roster members received training in decision writing to facilitate the effective and efficient writing of panel reports.

Aboriginal Consultation

The 2007 *Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects* and its Memorandum of Understanding gave the Agency responsibility to integrate, to the greatest extent possible, Aboriginal-Crown consultation into the environmental assessments that it leads. As Crown Consultation Coordinator during the environmental assessment process, the Agency has initiated early engagement with Aboriginal groups, undertaken preliminary strength of claim assessments, developed consultation work plans, coordinated consultation activities, and summarized the outcomes of consultation for decision makers.

The Agency led Aboriginal consultation activities on nine projects under the major resource projects initiative. The Agency, through the Aboriginal Funding Envelope (AFE) of the Participant Funding Program, provided a total of $1.2 million to 24 recipients. The AFE funds assisted Aboriginal groups to prepare for and participate in Aboriginal consultation activities and public consultation opportunities associated with the nine major resource projects.

The Agency established a standard framework for Aboriginal consultation work plans to integrate Aboriginal consultation into review panel processes. Aboriginal consultation work plans were developed and implemented for four review panels. Consultations have proceeded through the first three of five phases (early engagement and consultation, pre-hearing and hearing phases). Consultation details for the final two phases (consultation on environmental assessment report and regulatory approvals) will be determined in 2010-2011.

In response to the need to better coordinate federal and provincial Aboriginal consultation efforts in British Columbia, the Agency negotiated a commitment document entitled *Federal-provincial coordination on Aboriginal engagement and consultation in the environmental assessment process*. The document, signed by the Agency, the British Columbia Environmental Assessment Office, and all member departments of the Pacific and Yukon Regional Director Environmental Assessment Committee, sets out commitments to improve federal-provincial collaboration in the planning and conduct of Aboriginal consultation activities that take place as part of the cooperative environmental assessment process. The commitment document establishes a foundation for information sharing, a more coordinated approach to Aboriginal consultation activities, and consistent communication with Aboriginal groups and proponents in British Columbia.

In collaboration with the Province of Alberta, the Agency hosted a federal-provincial workshop on alignment opportunities regarding Aboriginal consultation in Alberta in February 2010. This workshop resulted in federal-provincial collaboration procedures for projects requiring environmental assessments. These procedures are being used by the Agency's Alberta region and by Alberta Environment and will be the subject of review in the fall at a federal-provincial workshop. INAC, in cooperation with the Agency, is building on this collaboration to develop a draft Memorandum of Understanding between Alberta and Canada regarding principles for coordination of Aboriginal consultation. The objective is to have the Memorandum of Understanding in place and being implemented in 2010-2011.

The Agency created a federal regulatory consultation working group focused on developing common tools and methods for consultation with Aboriginal people in Alberta. The Regional Working Group held federal Aboriginal consultation workshops focused on completing a needs assessment and early engagement procedures for federal departments.

The Agency developed, in collaboration with an Aboriginal technical services advisory group, an environmental assessment module for Alberta First Nations. Officials co-delivered a workshop on the manual to various Aboriginal community representatives.

The Agency conducted Aboriginal engagement and outreach initiatives with Manitoba and Saskatchewan Aboriginal organizations during the reporting period. The objectives were to develop working relationships, build capacity for environmental assessment, and present the Agency's Aboriginal consultation process. The engagement and outreach initiatives enabled the Agency to establish contacts and understand the challenges that limit meaningful participation in the federal environmental assessment process. Due to the success of these initiatives, a number of key Aboriginal organizations and communities in Manitoba and Saskatchewan invited the Agency to forums to exchange information and deliver presentations on the Agency's roles and responsibilities, including the whole-of-government approach to Aboriginal consultation.

The Agency continued its participation in an initiative with the Chiefs of Ontario to develop an environmental assessment toolkit for member communities. This toolkit is intended to assist Ontario First Nations in understanding environmental assessment as it is practiced by their own communities and governed by the respective legislative regimes of Ontario and Canada, and to facilitate their participation in the environmental assessment of projects that may affect them. The toolkit was completed and released in the fall of 2009, and is being used as a reference in the early phases of the Detour Lake Gold Mine and Marathon PGM projects.

In Quebec, the Agency created a regional community of practice that includes federal practitioners involved in Aboriginal issues and will focus on coordination of Aboriginal consultation and the sharing of knowledge.

Public Participation

The Agency sought to maximize public participation in the environmental assessment process, by placing strong emphasis on transparency and information sharing. Public participation was promoted through the administration of the Participant Funding Program, the maintenance of the Canadian Environmental Assessment Registry and the coordination of public hearings and information sessions.

The Participant Funding Program is an important means of facilitating public participation in EAs. The contribution of information and opinions from interested parties enables open, balanced EA processes, and strengthens the quality and credibility of environmental assessments. In 2009-2010, the Agency provided nearly $0.3 million in participant funding to 30 recipients, including individuals, non-profit organizations, and Aboriginal groups to take part in seven review panels and eight comprehensive studies. The Participant Funding Program continues to implement a client satisfaction survey to collect quantitative and qualitative information on whether the objectives of the program are being met.

The Agency maintained the Canadian Environmental Assessment Registry Internet Site (CEARIS), which is accessible by the public through the Agency's Web site[2]. During 2009-2010, over 6,000 environmental assessments were entered into the online registry, and over 120,000 users visited CEARIS. Agency staff regularly responded to public requests for information and records.

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[2] http://www.ceaa-acee.gc.ca/

The public also participated in the panel reviews. Public hearings were held for one review panel, the Prosperity Gold-Copper Mine Project, during the reporting period. Public information sessions were organized for three review panel processes, the proposed Darlington New Nuclear Power Plant Project, the Lower Churchill Hydroelectric Generation Project, and the Prosperity Gold-Copper Mine Project. For more information on review panels, see the Agency's Web page on review panels[3]. During the reporting period, the Agency provided the public with an opportunity to comment on three comprehensive study reports. The Agency also coordinated the public consultation on the proposed scope, factors to be considered, and the ability of the comprehensive study to address issues relating to two projects. For more information on comprehensive studies, see the Agency's Web page on comprehensive studies[4].

Training and Guidance

The Agency completed the development and delivery of the Transformative Training and Learning Plan (TTLP), an important internal capacity-building curriculum for new and existing Agency employees. The TTLP was designed to support the Agency's transformation as it took on new responsibilities under the 2007 *Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects* and its associated Memorandum of Understanding. Training included environmental assessment project management, engaging and consulting Aboriginal groups, and writing comprehensive study reports. Participant responses in post-event evaluations suggested general satisfaction with the training and much interest in additional in-depth training and guidance.

Through the Federal Environmental Assessment Training Program (FEATP), the Agency continued to provide training to federal departments and agencies to assist them in fulfilling their legal obligations under the Act and to deliver timely, high-quality EAs. Courses, such as Orientation to the *Canadian Environmental Assessment Act*, Introduction to Screenings under the Act, Introduction to the Canadian Environmental Assessment Registry, and Orientation to the *James Bay and Northern Quebec Agreement* environmental and social assessment process, continued to have high attendance rates.

In November 2009, the Agency launched a federal consultation process on the Federal Environmental Assessment Training Program, which is geared toward adjusting the focus and improving the relevance of the Agency's training and learning activities while achieving greater efficiency. The discussion is timely as demands for environmental assessment training and learning services continue to increase and diversify, both within the Agency and externally.

Major drivers for internal and external training needs include: new roles and responsibilities associated with major projects and Crown consultation; recent hiring within the federal EA community; ongoing turnover and retirements; increased attention to training as part of responses to evaluations; growing interest of Aboriginal groups in federal EA training; the emergence of attractive e-learning options for delivery; the Supreme Court of Canada's ruling in the Red Chris Mine case (*MiningWatch Canada v. Canada*); and more recently the amendments to the *Canadian Environmental Assessment Act* brought into effect as part of *Jobs and Economic Growth Act*. The legislative review of the Act may increase attention on federal environmental assessment and increase non-federal attendance at those training

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[3] http://www.ceaa-acee.gc.ca/010/type5index-eng.cfm

[4] http://www.ceaa-acee.gc.ca/010/type3index-eng.cfm

sessions that are open to participants affiliated with provincial governments, Aboriginal groups, non-governmental organizations, industry, consultants and academics.

The need for operational policy instruments, such as training packages, guidance products, summaries of findings, research reports, etc., is increasing as the federal community welcomes a new generation of environmental assessment (EA) practitioners, scientists and administrators.

Through recent efforts to develop new operational policy instruments, the Agency has been testing a strategy for streamlining delivery. In addition to proposing key developmental steps and criteria, the strategy introduces new preliminary instruments and a continuum designed for ongoing improvement of guidance.

Recent outcomes produced under this evolving roadmap include: EA procedures for comprehensive studies; EA procedures for multi-jurisdictional screenings; an operational policy statement on adaptive management; guidance on how to establish an appropriate consultation approach with Aboriginal groups during an EA based on an understanding of the legal duty to consult; and training packages for Engaging and Consulting Aboriginal Groups, EA Project Management, and Writing a Comprehensive Study Report.

Findings on cumulative effects and follow-up were documented in two "summary of findings" reports and will serve as a source of fresh information for Agency staff (i.e. preliminary guidance) and a basis for undertaking more advanced operational policy work. The Agency is piloting a new form of guidance aimed at addressing mitigation measures based on class EA practices. This work benefits from the Agency's class screening expertise and the provincial experience with class EA or sectoral approaches. Options for validating the proposed guidance approach for mitigation will be considered as part of business and operational planning for the 2010-2011 fiscal year.

The Agency held a workshop early in 2010 with the Adaptive Management Working Group to assess use and implementation of the Operational Policy Statement on Adaptive Management. The recommendations from the working group are being considered in order to improve the understanding and use of adaptive management in high-quality EA.

The Agency is actively supporting British Columbia treaty negotiations and providing Agency staff with training, advice and guidance on Crown consultation. Priorities include guidance on establishing the appropriate breadth and depth of Aboriginal consultation in relation to an EA, including the selection of the Aboriginal groups to be included in consultation activities.

In November 2009, the Agency developed and delivered a one-day training and learning workshop on strategic environmental assessment (SEA) and regional strategic environmental assessment. In addition to providing formal training and awareness to participants on the *Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals*, the workshop also presented case studies from around the Atlantic Provinces on regional strategic EA with discussion of their potential uses in streamlining project EA. The workshop was attended by 35 people with participants from all the Atlantic Provinces.

2.3 INTERNAL SERVICES

Program Activity: Internal Services

2009-2010 Financial Resources ($ thousands)			2009-2010 Human Resources (FTEs)		
Planned Spending	Total Authorities	Actual Spending	Planned	Actual	Difference
7,509	9,982	9,940	57	62	5

Internal Services are groups of related activities and resources that support the needs of programs and other corporate obligations of an organization. These groups are: Management and Oversight Services; Communications Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Material Services; Acquisition Services; and Travel and Other Administrative Services. Internal Services include only those activities and resources that apply across an organization, and not those provided specifically to a program.

Internal Services support the operating programs and activities of the Agency and include many administrative activities normally performed outside program areas that cannot otherwise be allocated as program support overhead.

The Agency's Internal Services support core program activities by providing modern, timely and responsive services that are effective and efficient.

Key Highlights

Communications Services

The Communications Directorate provides translation services, advice and support to the Agency and the Minister of the Environment on external announcements and issues, as well as communications of a corporate nature. During the reporting period, a renewed version of the Agency's internal Web site was launched. The site contributes to consistency and efficiency by providing tools, guidance, policies, templates and other material.

During 2009-2010, Communications Operations provided advice and support for policy files and all comprehensive studies, as well as communications services for independent review panels. Communications advisors assisted panel managers in the delivery of information sessions and public hearings, including on-site attendance and media relations services for review panels.

Legal Services

In 2009-2010, two Supreme Court of Canada cases were concluded that addressed fundamental aspects of federal environmental assessment. These cases were the Red Chris Mine case (*MiningWatch Canada v. Canada*) and the Vanadium Mine case (*Grand Chief Dr. Ted Moses et al. v. Canada*). These cases are described in detail under the heading "Litigation" in the section "Agency Operating Environment and Challenges". In both instances, the Court's conclusions had significant impacts on the application of the Act. The Legal Services Group provided advice on these and other legal issues to ensure that the Agency's

policies, procedures, guidance and coordination activities were consistent with changing jurisprudence in EA.

Human Resources Management Services

The Human Resources (HR) Directorate ensures that the Agency has the necessary strategies, programs, practices and tools in place to attract and retain the employees required to deliver on its strategic outcome.

In 2009-2010, the Agency developed and implemented a staffing plan to address challenges in recruiting staff to fulfill responsibilities for major resource projects. As a result, all high and medium priority positions were filled in 2009-2010. Efforts were made to anticipate future staffing needs by creating pools of qualified candidates.

The Agency also developed an Integrated Human Resources Plan (IHRP) that establishes human resources management objectives and strategies for the 2010-2013 period. The strategies established in the IHRP build on the following initiatives that were initiated in 2009-2010:

- A new evaluation technique was introduced (360 degree feedback from employees, colleagues and supervisors) and coaching sessions were established to advance leadership in the executive group.
- Two demographic reports were produced (September 2009 and March 2010) to feed the workforce analysis and establish human resources objectives for 2010-2013.
- The competency-based management project was initiated with the intent to establish a competency profile for all occupational groups and levels.
- An action plan was implemented in response to results of the 2008 Public Service Employee Survey.
- A learning, training and development framework was implemented.
- A curriculum of courses was identified for all occupational groups and levels.
- A series of core learning activities (Access to Information and Privacy, Occupational Health and Safety, and Diversity) were provided to all employees.
- A review of a number of Agency HR policies and directives was completed.
- The Human Resources Authority Delegation Instrument was revised to better suit the needs of the Agency and to be consistent with its current organizational structure and realities.

Information Management and Information Technology Services

In 2009-2010, a review of the Agency's Access to Information and Privacy (ATIP) processes and procedures was completed. Following the review, training was provided to all employees.

The Information Services Group designed, pilot tested and began deploying an information management system across the organization. All users of the previous system were migrated and new users are being transferred to the new system during the current fiscal year.

The Agency developed and deployed a Web service that synchronizes information between the Canadian Environmental Assessment Registry and online systems at other government departments to improve the accuracy and transfer of information.

The Information Services Group also purchased new equipment, such as tablets, in an effort to green Agency operations.

Other Administrative Services

The Agency's Occupational Health and Safety (OHS) Program was restructured to better identify specific roles and responsibilities for all employees. The approach was based on the principle that everyone shares responsibility for a healthy and safe workplace. This new OHS Program provides the information and tools required to meet the legal obligations as outlined in Part II of the *Canada Labour Code*, enables taking initiative on OHS issues to make improvements on an ongoing basis, and integrates OHS into the Agency's work-planning processes and day-to-day operations. Key achievements included establishing policy and workplace committees for health and safety, nominating health and safety representatives, providing training to employees, and establishing a framework to evaluate performance.

2.4 Issues and Challenges

A number of important improvements to the Agency's operating environment occurred this year. The Agency helped advance project assessments under the major resource projects initiative. Aboriginal engagement efforts were strengthened through numerous policy tools and operational efforts. The Supreme Court of Canada's decision on the Red Chris Mine case (*MiningWatch Canada v. Canada*) provided clarity regarding the type of assessment that must be conducted under the Act and how to establish the scope of the project to be assessed. Through the *Jobs and Economic Growth Act*, amendments were introduced to the *Canadian Environmental Assessment Act* to improve the efficiency and timeliness of federal environmental assessment. The implications of these improvements and related ongoing issues are discussed below.

Changing Jurisprudence

The Agency and federal authorities responded to the Red Chris Mine decision, which had important effects on the conduct of federal environmental assessments. The Supreme Court of Canada's decision has a major influence on how federal responsible authorities determine both the scope of the project that is to be assessed under the Act and the type of assessment that is required. As a result, many ongoing assessments had to be re-examined to ensure that the scope of the project and the type of assessment were consistent with the direction provided by the Court. In several cases, the assessment type was changed. Key federal departments worked collaboratively through the Agency-led interdepartmental Environmental Assessment Programs Committee to ensure consistent and coordinated responses.

Following the reporting period, the Supreme Court of Canada issued its decision on the Vanadium Mine case (*Grand Chief Dr. Ted Moses et al. v. Canada*) in May 2010. The Vanadium Mine decision is important as it confirmed the Act does apply in the territory governed by the *James Bay and Northern Quebec Agreement* (JBNQA), and must be applied in a manner that fully respects the Crown's duty to consult the Cree on matters affecting their treaty rights. Discussions and negotiations will be required with the Cree, Inuit and Naskapi nations to establish a proper approach to applying the Act while taking into consideration their rights as recognized under the JBNQA.

Ongoing Issues

While the Supreme Court of Canada's decision on the Red Chris Mine case (*MiningWatch Canada v. Canada*) provided important clarity regarding the application of the Act, it also resulted in an increase in the number of comprehensive studies. Some projects previously determined as screenings were reclassified as comprehensive studies due to the court decision. The Agency is reviewing how it will assign resources to manage this increased flow of work related to project management and participant funding.

The Agency must continue to improve its ability to meet major resource projects initiative timelines. Improvements are likely in 2010-2011 since the Agency is taking over responsibility for most comprehensive studies further to new provisions brought into effect under the *Jobs and Economic Growth Act*, and will have more control over timelines. The Agency has also undertaken work to streamline the participant funding program process to better integrate it with EA timelines. However, a significant number of the causes of delays, such as court decisions, are outside of the control of the Agency.

Fulfilling the role of Crown Consultation Coordinator has proven to be a manageable but challenging task. This is a pivotal function in the delivery of the whole-of-government approach that integrates Aboriginal consultation with the EA process to the extent possible. The governance complexity lies in the fact that the Agency, while in the process of continuous improvement through development of policy and operational guidance and tools for staff, has been required to undertake the Crown consultation coordinator function for a number of environmental assessments of major resource projects as they occur. Productive relationships with federal departments and agencies continue to progress and improve, in order to ensure effective implementation of the whole-of-government approach to Aboriginal consultation for EAs of major resource projects.

Cooperative EA processes supporting federal and provincial decisions continued to be a challenge during 2009-2010, largely due to requirements to coordinate different information and procedural requirements. Clarification on project scoping (Supreme Court of Canada decision), the consolidation of Agency responsibilities for comprehensive studies (*Jobs and Economic Growth Act*), and improvements in Aboriginal engagement practices should contribute to the integration of EA processes.

The value of review panels has been a defining characteristic of the Act since it came into force in 1995. Although experience with review panels has generally been positive, concerns have been raised by stakeholders primarily in regard to process delays associated with referral of a project to a review panel, consultation with Aboriginal groups, proponent responses to information requests, and submission of the panel's report. The Agency expects that the refinement of tools and procedures will integrate Aboriginal engagement into the EA process, and the Agency will continue to reduce delays within its control as well as encourage all stakeholders to meet Major Projects Management Office (MPMO) timelines.

Strategic environmental assessment (SEA) is premised on a principle of self-assessment. As such, ensuring accountability and consistency in the application of SEA remains a challenge and a focus for government efforts to strengthen SEA. Given that SEA is a process applied to the most senior level of decision making in government, departments and agencies are also challenged to ensure transparency in SEA while respecting Cabinet confidences. Experience has shown that SEA makes the greatest contribution to informed and integrated decision making when it is initiated early in the policy development process where it can influence the design of government policies, plans and programs. To address issues of transparency, accountability, and early integration, the Agency has been developing, in collaboration with

other departments and agencies, a strategy to strengthen SEA. The strategy will outline supplementary guidance to address transparency, accountability and measures to help build capacity.

2.5 Lessons Learned

During the 2009-2010 reporting period, the Agency continued to evolve while constantly striving to deliver an effective and efficient environmental assessment process that recognizes the importance and interdependence of healthy environmental and economic conditions in support of sustainable development.

The Joint Review Panel (JRP) appointed to review and assess the Mackenzie Gas Project submitted its report to governments on December 30, 2009 after a series of delays. The Agency has identified the need to improve the timeliness and predictability of complex joint review processes; and once the government response to the JRP report has been released, the Agency and its partners intend to examine the joint review process and identify lessons learned.

Following its experience coordinating Aboriginal consultations of major resource projects, the Agency identified the need for a practical, step-by-step approach to Aboriginal consultation. The Agency developed an Aboriginal consultation process based on the *Aboriginal Consultation and Accommodation: Interim Guidelines for Federal Officials to Fulfill the Legal Duty to Consult* (the "EA and Aboriginal Consultation Logic Model" noted previously). The process provides a consistent and understandable approach to integrating Aboriginal consultation into the environmental assessment process. The use of this process will lead to a more efficient use of resources, since it will result in more effective communication with Aboriginal groups and improved collaboration with provincial governments.

Throughout the 2009-2010 fiscal year, the Agency integrated the Aboriginal Funding Envelope (AFE) into its Participant Funding Program (PFP). While the total amounts for the Regular Funding Envelope (RFE) were announced in news releases, the amount of funding made available to Aboriginal groups for Crown consultation activities and participation in EA processes was not communicated. Unaware of the total funding available, Aboriginal organizations submitted applications that exceeded the total funding available. Aboriginal consultation was made more challenging by the inability of the AFE to meet the expectations of Aboriginal organizations. In response, the Agency reviewed its AFE process and is now indicating the total amount available for the AFE within the letters it sends to the identified groups potentially impacted by the projects to inform them of the availability of funding.

SECTION 3: SUPPLEMENTARY INFORMATION

In this section:

- Financial Highlights
- List of Supplementary Information Tables
- Other Items of Interest

3.1 Financial Highlights

The financial highlights presented within this Departmental Performance Report are intended to serve as a general overview of the Agency's financial position and operations. Detailed financial statements can be found on the Agency's Web site[5].

($)

Condensed Statement of Financial Position At End of Fiscal Year (March 31, 2010)	% Change	2008-2009	2009-2010
Assets			
Total Assets	153%	858,100	2,171,549
Total	**153%**	**858,100**	**2,171,549**
Liabilities			
Total Liabilities	12%	8,744,694	7,689,128
Equity			
Total Equity	30%	(7,886,594)	(5,517,579)
Total	**153%**	**858,100**	**2,171,549**

($)

Condensed Statement of Financial Operations At End of Fiscal Year (March 31, 2010)	% Change	2008-2009	2009-2010
Expenses			
Total Expenses	2%	37,667,617	38,391,476
Revenues			
Total Revenues	40%	3,365,290	4,710,677
Net Cost of Operations	**-2%**	**34,302,327**	**33,680,799**

3.2 List of Supplementary Information Tables

All electronic supplementary information tables found in the 2009-2010 *Departmental Performance Report* can be found on the Treasury Board Secretariat Web site[6].

- Sources of Respendable and Non-Respendable Revenue;
- *User Fees Act*;
- Response to Parliamentary Committees and External Audits; and
- Internal Audits and Evaluations.

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[5] http://www.ceaa-acee.gc.ca/

[6] http://www.tbs-sct.gc.ca/dpr-rmr/2009-2010/index-eng.asp

3.3 Other Items of Interest

Statistical Summaries of Environmental Assessments

The table below provides a statistical summary of environmental assessments conducted by responsible and regulated authorities. It outlines the total number of projects that underwent an environmental assessment under the *Canadian Environmental Assessment Act* during the 2009-2010 reporting period.

Fiscal Year 2009–2010			EA Decisions Taken this Fiscal Year		
EA Type	Ongoing on April 1, 2009	Initiated this fiscal year	Not likely to cause significant adverse environmental effects	Likely to cause significant adverse environmental effects	Terminated
Screening	2,686	3,470	2,786	0	371
Class Screening	N/A	N/A	374	N/A	N/A
Comprehensive Study	21	11	3	0	3
Review Panel	12	1	2	0	2

Note: In addition, within the 2009-2010 reporting period, a total of 2,711 screenings were completed by the Business Development Bank of Canada and Farm Credit Canada. Since June 11, 2006, these Crown corporations are required to conduct environmental assessments of their projects subject to the requirements of the *Canadian Environmental Assessment Act*, but with a modified process with respect to reporting on the Registry Internet site.

Screenings

A screening is the most common type of environmental assessment. It is a systematic approach to identifying and documenting the environmental effects of a proposed project and determining the need to eliminate or minimize (mitigate) the adverse effects, to modify the project plan or to recommend further assessment through mediation or an assessment by a review panel.

Screenings are used to assess a wide range of projects. Screenings will vary in time, length and depth of analysis, depending on the circumstances of the proposed project, the existing environment and the likely environmental effects. Some screenings may require only a brief analysis of the available information and a brief report while others may need new background studies and will be more thorough and rigorous.

The responsible authority must ensure that the screening of the project is carried out and must prepare or ensure the preparation of a report which summarizes the findings of the screening.

Class Screenings

A class screening is a special type of screening that can streamline the environmental assessment process for certain types of projects, while ensuring high-quality assessments.

The Agency has determined that these types of projects are not likely to cause significant adverse environmental effects, providing that the design standards and mitigation measures described in the class screening report are applied.

Class screenings enhance the integrity of environmental assessments. Each class screening undergoes a rigorous process of technical review and a mandatory public consultation period before the Agency's President can formally declare it for use as a model or replacement class screening.

There are two types of federal class screenings:

- **Model class screenings** – Individual, location-specific reports are produced based on a standard report for a defined class.
- **Replacement class screenings** – One report can be used for all future projects within a defined class.

To support the development of class screenings, the Agency provides technical and procedural environmental assessment advice, coordinates the participation of federal/provincial departments in the process, and administers the public consultation process.

Comprehensive Studies

The majority of federal projects are assessed through a screening; however, some projects require a comprehensive study. These projects are described in the *Comprehensive Study List Regulations*. These tend to be large projects having the potential for significant adverse environmental effects. They may also generate public concerns.

The responsible authority must provide opportunities for public participation throughout the comprehensive study. The public has an opportunity to participate in the comprehensive study before the Minister of the Environment makes a decision on whether the project should proceed as a comprehensive study or be referred to a mediator or review panel. This public input must be taken into account by the Minister of the Environment when issuing his/her environmental assessment decision statement.

The public also has an opportunity to review the comprehensive study report before any decisions are made on the project. Funding is available to assist the public to participate in a comprehensive study.

During this reporting period, the Agency's role in the comprehensive study process was to provide advice to responsible authorities, project proponents and the public; ensure that the comprehensive study report complies with the requirements of the Act; manage the public comment period; and provide advice to the Minister of the Environment in support of the Minister's track decision on the environmental assessment and the determination of potential adverse environmental effects. Public participation is facilitated by the Participant Funding Program, which provides financial assistance to eligible individuals and public organizations with legitimate interests in the project.

Review Panels

Distinguished by extensive public participation, review panels and joint review panels with other jurisdictions are the most visible and public type of environmental assessment. Review panels are independent from government, with members appointed by the Minister of the Environment.

The review panel conducts its assessment in an open and public manner, with individuals and groups presenting information and views through public comment periods and public hearings. Public participation is facilitated by the Participant Funding Program, which provides financial assistance to eligible individuals and public organizations with legitimate interests in the project.

At the completion of the review process, the review panel's report, including conclusions and recommendations, is submitted to the Minister of the Environment. The recommendations are advisory and the responsible authority, with the approval of the Governor in Council, considers and responds publicly to all recommendations.

The Agency's primary roles in a review panel process are to provide advice and coordination to federal expert authorities and responsible authorities; maintain the public registry; manage the review process and provide technical and administrative support to the review panel; administer the Participant Funding Program; and design and implement a public information program with the review panel.

For further information about environmental assessments undertaken under the Act, consult the Canadian Environmental Assessment Agency's Web site[1].

[1] http://www.ceaa-acee.gc.ca/

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Treasury Board Secretariat's Web site

www.tbs-sct.gc.ca